



Indiana Department of Education
SUPPORTING STUDENT SUCCESS

MEMORANDUM

TO: State Board Members

FROM: Emily Shelman (Legislative Liaison) and Neil Ruddock (Policy Advisor)

DATE: March 2010

SUBJECT: Education Statutes

The attached list includes all Education-related laws enacted this year. The State Board of Education has responsibilities under House Enrolled Act 1367.



2010 Legislative Session: Education Bill Summary

SENATE BILLS PASSED BY BOTH HOUSES			
Bill	Author(s)	Summary	State Board Action Needed
SB 224	Lawson	Requires the sentencing study policy committee to study and make recommendations regarding the sending of sexually suggestive or sexually explicit material over the Internet or by use of a cellular telephone or similar device. Provides that a school corporation may offer classes or instruction regarding the risks and consequences of creating and sharing sexually suggestive or sexually explicit materials electronically.	N/A
SB 226	Sen. Miller	Assigns suicide prevention study to the health finance commission during the 2010 legislative interim.	N/A
SB 252	Sen. Kenley	Waiver of transfer tuition. Modifies the transfer tuition statute to make the charging of transfer tuition optional, rather than mandatory. If the school does opt to charge transfer tuition, formula would be the same as currently delineated in state code. Includes delay of sign language interpreters' rules to 2011 by the Professional Standards Board.	N/A
SB 30	Boots, Tallian	Provides that certain members of the public employees' retirement fund (PERF) and the Indiana teachers' retirement fund (TRF) may withdraw the member's annuity savings account (ASA) if the member has separated employment and is not employed in a covered position for 30 days. Removes the requirement that certain members must be either a member of: (1) PERF after December 31, 2008; or (2) TRF after June 30, 2009; in order to request a distribution from the member's ASA. Authorizes the PERF and TRF to adopt rules to allow a member that designates more than one beneficiary to allocate benefit shares in percentage increments. Provides that, before July 1, 2012, an active member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who is eligible to receive an unreduced retirement benefit may elect to receive at retirement a partial lump sum distribution equal to	N/A

		the member's monthly benefit times the member's years of creditable service in exchange for an actuarially reduced monthly benefit. Provides that an annual cost of living adjustment for monthly retirement benefits received by a member or survivor of the 1977 fund may not be used to decrease the member's monthly benefit. Requires the PERF board of trustees, one time before January 1, 2015, and every five years thereafter, to evaluate statewide physical and mental examination standards used by the 1977 fund. Eliminates references to the treasurer of state's duties concerning the following pension funds administered by the public employees' retirement fund (PERF): (1) Legislators' retirement system. (2) Judges' retirement system. (3) Prosecuting attorneys retirement fund. (4) 1977 police officers' and firefighters' retirement and disability fund. Provides that a PERF or TRF member may petition the board of trustees of the member's fund (board) to correct an error in a determination of the member's: (1) creditable service; or (2) benefit; at any time. Provides that if the board does not find an error in the determination and the member petitioned the board within six years after the determination, the member may appeal the board's decision under the administrative orders and procedures law. Updates language concerning the TRF board's distribution of TRF's investment earnings.	
SB 309	Alting, Porter	School corporation fiscal calendars, makes moving toward a fiscal calendar year optional for school corporation. Cancels the mandatory transition date.	N/A
SB 316	Rogers, Porter	Dating Violence policy. Requires IDOE in collaboration with appropriate organizations to develop: 1. Model dating violence education materials and 2. A model for dating violence response policies and reporting. The models identified must be made available to schools by the 2011 deadline.	N/A
SB 389	Breaux, Day	Information on individual development accounts. Caseworkers must provide each student to whom the caseworker is assigned information concerning individual development accounts.	N/A
HOUSE BILLS PASSED BY BOTH HOUSES			
HB 1005	Rep. V. Smith	Indefinite teacher contracts. Removes the age limit for teachers who hold an indefinite contract	N/A
HB 1086	Welch	Indiana Legislative Youth Advisory Council is no longer under IDOE's supervision. The Indiana Bar Foundation's Center for Civic Education shall supervise and staff the council. Creates the "youth advisory council fund"	N/A
		Includes language pertinent to DLGF and IPS CPF allocations.	

HB 1135	Porter	<p>Advanced placement exams. Requires state educational institutions to grant postsecondary level academic credit to students who receive a satisfactory score on an advanced placement examination. Requires IDOE and CHE to implement the policy with each state institution.</p> <p>Requires IDOE, in cooperation with appropriate associations, to develop a uniform job description for school counselors.</p>	N/A
HB 1168	Grubb, Turner, Porter	High school athletics. Directs the state superintendent to administer the functions of the case review panel that hears cases relating to disputes over the application or interpretation of rules governing interscholastic high school athletics. Requires the panel to issue a written decision on a case not later than 10 business days after the panel hears the case. Directs a high school athletics association in collaboration with the department of education to study and prepare a report to the general assembly by December 31, 2010 concerning the impact and the feasibility of allowing a high school student who attends a nonpublic non-accredited school, a nonpublic school or a charter school to participate in high school athletics at a public high school.	N/A
HB 1193	Lawson	Law Enforcement training/schools. Creates the law enforcement, school policing, and youth work group (work group) to be staffed and administered by the criminal justice institute. Requires each school corporation to annually submit a report to the department of education (department) concerning: (1) student arrests; (2) the use of school corporation police departments and security guards; and (3) whether the school corporation has an agreement with a law enforcement agency concerning arresting students on school corporation property. Requires the department of education to summarize the school corporations' reports and to submit the summary to the legislative council and the education roundtable. Requires the department of education to post the reports on its web site.	N/A
HB 1205	Niezgodski, Kenley	Requires the board of trustees of the public employees' retirement fund (PERF) and the board of trustees of the Indiana state teachers' retirement fund (TRF) to appoint and fix the compensation of a common director for PERF and TRF. Requires that PERF and TRF each pay 50% of the director's compensation. Requires the PERF and TRF boards to cooperate to the extent practicable and feasible in administering and investing the assets of the funds and in hiring investment managers, investment advisors, and other service providers. Provides for a thirteenth check for PERF and TRF members, survivors, and beneficiaries. Provides for a thirteenth check for employee beneficiaries of the state police 1987 benefit system who retired or were disabled after June 30, 1987, and before July 2, 2008, and were entitled to receive a	N/A

		monthly benefit as of June 1, 2010.	
HB 1367	Porter, Kenley	Permits a school corporation that elects to provide coverage under a state employee health plan to active and retired employees without providing coverage to individuals who retire from the school corporation before July 1, 2010. Requires schools to give priority in the allocation of resources to remediation programs to students who are deficient in reading skills in grade 1 through grade 3. Requires the state superintendent of public instruction in conjunction with the state board of education to develop a plan to improve reading skills of students. Provides that the plan must include reading skill standards for grade 1 through grade 3. Allows the governing body of a school corporation to adopt a resolution to transfer money between funds held by the school corporation in the 2010-2011 school year in order to preserve and protect instructional programs. Directs a school corporation to take the actions necessary and desirable to preserve and protect instructional programs. Changes the restoration grant calculation for all school corporations to reflect the amount of the annual decrease in federal aid to affected areas from the year preceding calendar year 2009 by three (3) years to the year preceding calendar year 2009 by two (2) years.	IDOE Staff and State Board to develop reading policy. Must determine fiscal impact before 2011/2012 Legislative Session.
RESOLUTIONS			
SR 17	Kruse, Yoder	Congratulating The Indiana Career and Technical Education System, the Indiana Association of Career and Technical Education, the Indiana Career and Technical Education Awards for Excellence Program.	N/A
SR 70	Delph	School start date – urging the legislative council to student the topic of school start dates	N/A
SR 32	Simpson	Tax credit for K-12 contributions – urging the legislative council to study tax credits for K-12 foundations.	N/A
SR 26	Head	Reggio Emilia Approach –urging the legislative council to study the approach	N/A
SR 54	Head	Guaranteed energy savings contracts-urging the legislative council to study how guarantee payments are calculated in guaranteed energy savings contracts.	N/A
SR 25	Head	Edison Schools – urging the legislative council to study Edison schools	N/A
HR 92	Porter	K-12 Absenteeism – urging the legislative council to study the causes, effects and solutions to the problem of K-12 absenteeism.	N/A
HR 95	Porter	Hazing - urging the legislative council to study the history, causes, effects and solutions regarding hazing.	N/A